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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,037	01/31/2001	Takashi Kise	1272.C0444	2123
5514	7590	12/01/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			PARK, CHAN S	
			ART UNIT	PAPER NUMBER
			2622	

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/774,037	KISE, TAKASHI
	<b>Examiner</b> CHAN S PARK	<b>Art Unit</b> 2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 31 January 2001.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-19 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-19 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 31 January 2001 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.)

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a))

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. \_\_\_\_.  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/31/01.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. An initialed and dated copy of Applicant's IDS form 1449 is attached to the instant Office action.

### ***Drawings***

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because a wrong set of drawings are filed on 1/31/01. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.
3. Note that Examiner notified the applicant of the drawing objection during the telephonic interview conducted on 11/23/04.

### ***Claim Objections***

The following quotations of 37 CFR 1.75(a) is the basis of objection:

(a) The specification must conclude with a claim particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention or discovery.

Claims 1, 2, 8, 11, 12, 18 and 19 are objected to under 37 CFR 1.75(a) as failing to particularly point out and distinctly claim the subject matter which the applicant regards as his invention or discovery.

4. With respect to claim 1, perhaps "... judging whether or not printing the comparison test pattern; and when said judgment is what to print the comparison test pattern, printing said comparison test pattern" should be replaced by "... judging whether or not to print printing the comparison test pattern; and when said judgment is what to print the comparison test pattern, printing of said comparison test pattern."

Appropriate/similar correction is required for the rest of the independent claims.

5. With respect to claim 2, perhaps "... judging whether or not printing the comparison test pattern based on a state of an input by an operation of a user" should be replaced by "... judging whether or to print printing the comparison test pattern is based on a state of an input by an operation of a user."

Appropriate/similar correction is required for claim 12.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 6-9, 11, 12 and 16-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al. U.S. Patent No. 6,268,932 (hereinafter Lee).

6. With respect to claim 1, Lee teaches a test printing method capable of printing a test pattern and a comparison test pattern with which the test pattern is compared (col. 4, lines 1-31), said method comprising the steps of:

printing the test pattern (vignette at density setting 1);

judging whether or not to print the comparison test pattern (vignette at density setting 0); and

when said judgment is to print the comparison test pattern, printing of said comparison test pattern (col. 4, lines 39-41, lines 49-55 & lines 60-65).

7. With respect to claim 2, Lee teaches the test printing method as claimed in claim 1, wherein said step of judging whether or not to print the comparison test pattern is based on a state of an input by an operation of a user (col. 4, lines 27-31).

8. With respect to claim 6, Lee teaches the test printing method as claimed in claim 1, wherein the test pattern is printed based on corrected data (vignette at density setting 1) and the comparison test pattern (vignette at density setting 0) is printed based on non-corrected data. Note that vignette printed at the density setting 1 is a corrected data since it is different from the vignette printed at the density setting 0.

9. With respect to claim 7, Lee teaches the test printing method as claimed in claim 1, wherein the test pattern and the comparison test pattern are printed in connection with a calibration for a printing apparatus (ABSTRACT and col. 4, lines 24-31).

10. With respect to claim 8, arguments analogous to those presented for claim 1, are applicable.

11. With respect to claim 9, arguments analogous to those presented for claim 2, are applicable.
12. With respect to claim 11, arguments analogous to those presented for claim 1, are applicable.
13. With respect to claim 12, arguments analogous to those presented for claim 2, are applicable.
14. With respect to claim 16, arguments analogous to those presented for claim 6, are applicable.
15. With respect to claim 17, arguments analogous to those presented for claim 7, are applicable.
16. With respect to claim 18, arguments analogous to those presented for claim 1, are applicable.
17. With respect to claim 19, arguments analogous to those presented for claim 1, are applicable.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-5, 10 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee as applied to claim 2 above, and further in view of Takenoshita et al. U.S. Patent No. 6,203,220 (hereinafter Takenoshita).

18. With respect to claim 3, Lee teaches a test printing method as claimed in claim 2, but it does not teach expressly that the input is an input through a switch which can be operated so that setting is made to print only the test pattern or to print the test pattern and the comparison test pattern.

Takenoshita, the same field of endeavor of printing art, teaches the print attribute setting change method wherein an input through a switch is operated so that setting is made to print only a first print pattern (condition having only one area) or to print the first print pattern and a second print pattern ("ADD AREA" button 275 thus having two areas in figs. 7 & 8)). Read col. 6, lines 3-7 & lines 50-57.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to implement the setting change method of Takenoshita into the test density setting change method of Lee. For example, one would have been motivate to divide the vignette of Lee by applying the area diving method, preferably horizontally, of Takenoshita to print both the test and comparison test pattern in one vignette.

The suggestion/motivation for doing so would have been to apparently reduce the cost of printing by using single vignette.

Therefore, it would have been obvious to combine Lee with Takenoshita to obtain the invention as specified in claim 3.

19. With respect to claim 4, Takenoshita teaches the method comprising the step for printing the second print pattern as well as making the switch operated so that setting is made to print only the first print pattern (“DELETE AREA” button 277 in fig. 7), when said step of judging that the switch is operated so that setting is made to print the first print pattern and the second print pattern. Also, arguments analogous to those presented for claim 3, are applicable.

20. With respect to claim 5, Takenoshita teaches the method wherein the input is an input through a switch which can be operated in connection with other predetermined operation input (operator panel 143 in col. 4, line 56), so that setting is made to print only the first print pattern or to print the first print pattern and the second print pattern. Also, arguments analogous to those presented for claim 3, are applicable.

21. With respect to claim 10, arguments analogous to those presented for claim 3, are applicable.

22. With respect to claim 13, arguments analogous to those presented for claim 3, are applicable.

23. With respect to claim 14, arguments analogous to those presented for claim 4, are applicable.

24. With respect to claim 15, arguments analogous to those presented for claim 5, are applicable.

***Conclusion***

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAN S PARK whose telephone number is (703) 305-2448. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (703) 305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chan S. Park  
Examiner  
Art Unit 2622

csp  
November 24, 2004



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